

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1363 - HB 1294

March 4, 2013

SUMMARY OF BILL: Broadens the offense of identify theft to apply to violations of Tenn. Care Ann. § 53-11-402 (fraudulent acquisition of a controlled substance) and “prescription drug fraud.”

Adds a subdivision to the definition of “personal identifying information” to include any name, number, information, medical prescribing pad, electronic message, or form used to prescribe a controlled substance.

Creates a new Class D felony for “prescription drug fraud.” Provides venue to any county where an essential element of the offense was committed, including any county where a victim resides or is found.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Currently, one who obtains a controlled substance through fraud, forgery, deception, or subterfuge is guilty of fraudulently obtaining a controlled substance, a Class D felony, under Tenn. Code Ann. § 53-11-402, and one who steals another person’s identity to obtain a controlled substance is guilty of identity theft, a Class D felony, under Tenn. Code Ann. § 39-14-150(b).
- The bill creates a new offense, prescription drug fraud. However, it is assumed that persons who commit prescription drug fraud are already being prosecuted for identity theft and fraudulent acquisition of a controlled substance as the required elements for prescription drug fraud are covered under identity theft and fraudulent acquisition of a controlled substance.
- The bill also adds a new subdivision to the definition of “personal identifying information,” which now includes the name, number, information, medical prescribing pad, electronic message, or form used to prescribe a controlled substance. The additional subdivision is merely a clarification as this information is already covered under the current definition of “personal identifying information.”
- The bill would not result in any additional admissions.
- According to the Department of Correction and the Administrative Office of the Courts, any fiscal impact will be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm